

2-11-04

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/624,911
		Filing Date	July 21, 2003
		First Named Inventor	Miljenko Dумич et al.
		Art Unit	1623
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	1	Attorney Docket Number	03818/000M728-US0

ENCLOSURES (Check all that apply)

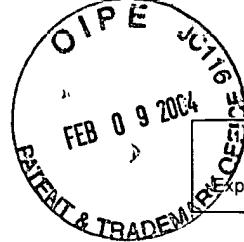
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	34 References/Publications 1 International Search Report
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<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	DARBY & DARBY P.C. Jonathan P. Mitchell, Ph.D. - 50,239
Signature	
Date	February 9, 2004

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Dated: _____

Docket No.: 03818/000M728-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Miljenko Dumić *et al.*

Application No.: 10/624,911

Confirmation No.: 7098

Filed: July 21, 2003

Art Unit: 1623

For: ORTHORHOMBIC PSEUDOPOLYMORPHS
OF 9-DEOXO-9A-AZA-9A-METHYL-9A-
HOMOERYTHROMYCIN A

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, attached hereto is a copy of Form PTO/SB/08 and copies of the documents listed thereon.

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO/SB/08) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing Form PTO/SB/08 next to the document. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application. This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

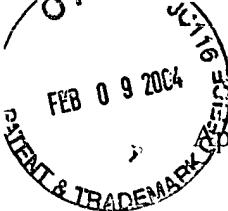
A copy of each document on the PTO/SB/08 is attached. An abstract translation of the non-English language documents is enclosed. Reference 2 is the U.S. counterpart of reference 21.

The undersigned is also enclosing herewith a copy of a Search Report mailed January 20, 2004 for the International counterpart of the present patent application (Application No. PCT/HR03/00040), in which the presently disclosed references 9, 17, and 30 were cited. A copy of International Search Report is given as Exhibit 35. Since a translation of the Search Report is also enclosed, or the Search Report utilizes conventional codes to characterize each cited reference, it is believed that the applicants in the above-identified patent application have now met the "concise explanation" requirement of 37 C.F.R. 1.98. Furthermore, the citation of these documents is not intended as an admission that the characterization of the documents in the International Search Report is correct.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.



Application No.: 10/624,911

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Docket No.: 03818/000M728-US0

Dated: February 9, 2004

Respectfully submitted,

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Substitute for form 1449A/B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	2	Attorney Docket Number	03818/000M728-US0
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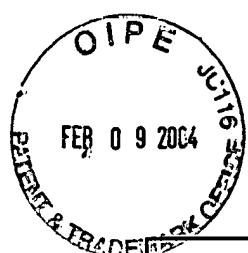
U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
1	AA	US-6586576 B2	07-01-2003	Aronhime et al.	entire document
2	AB	US-6528492 B1	03-04-2003	de la Torre Garcia et al.	entire document
3	AC	US-6451990 B1	09-17-2002	Bayod Jasanada et al.	entire document
4	AD	US-6420537 B1	07-16-2002	Bosch et al.	entire document
5	AE	US-6365574 B2	04-02-2002	Singer et al.	entire document
6	AF	US-6268489 B1	07-31-2001	Allen et al.	entire document
7	AG	US-6245903 B1	06-12-2001	Karimian et al.	entire document
8	AH	US-5869629	02-09-1999	Bayod Jasanada et al.	entire document
9	AI	US 4517359	05-14-1985	Kobrehel et al.	entire document
10	AJ	US-2003 0190365 A1	10-09-2003	Fergione et al.	entire document
11	AK	US-2003 0165563 A1	09-04-2003	Murphy et al.	entire document
12	AL	US-2003 0162730 A1	08-28-2003	Li et al.	entire document
13	AM	US-2003 0139583 A1	07-24-2003	Singh et al.	entire document
14	AN	US-2001 0047089 A1	11-29-2001	Aronhime et al.	entire publication

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
15	BA	WO 03 102009	12-11-2003	Chemi S.P.A.	entire document	
16	BB	WO 03 082889	10-09-2003	Hanmi Pharm., Co., Ltd.	entire document	
17	BC	WO 03 077830	09-25-2003	Pliva D.D.	entire document	
18	BD	WO 03 063838	08-07-2003	Pfizer Products, Inc.	entire document	
19	BE	WO 02 42315	05-30-2002	BioChemie S.A.	entire document	
20	BF	WO 02 15842 A2	02-28-2002	Wockhardt Limited	entire document	
21	BG	WO 02 10144 A1	02-07-2002	Laboratorio Silanes, S.A. De C.V.	Abstract and Amended Claims	
22	BH	WO 02 09640 A2	02-07-2002	Wockhardt Ltd.	entire document	
23	BI	WO 02 094843 A1	11-28-2002	Pfizer Products, Inc.	entire document	
24	BJ	WO 02 085898	10-31-2002	Hanmi Pharm., Co., Ltd.	entire document	
25	BK	WO 01 87912 A1	11-22-2001	Ercros Industrial, S.A.	Abstract	
26	BL	WO 01 49697 A1	07-12-2001	Teva Pharmaceuticals	entire document	
27	BM	WO 01 00640 A1	01-04-2001	BioChemie S.A.	entire document	
28	BN	WO 00 32203	06-08-2000	Teva Pharmaceuticals USA	entire document	
29	BO	WO 99 58541	11-18-1999	Biochemie S.A.	entire document	
30	BP	WO 94 26758	11-24-1994	Pfizer Inc.	entire document	
31	BQ	EP 1103558 A2	05-30-2001	Astur-Pharma, S.A.	entire document	
32	BR	EP 0984020 A3	03-08-2000	Apotex Inc.	entire document	
33	BS	EP 0827965 A2	03-11-1998	Astur-Pharma, S.A.	entire document	

{W:\038 18\000}	Date Considered
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PTO/SB/08a/b (08-03)

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Substitute for form 1449A/B/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/624,911
Sheet	2	of	2	Filing Date	July 21, 2003
				First Named Inventor	Miljenko Dumic
				Art Unit	1623
				Examiner Name	Not Yet Assigned
				Attorney Docket Number	03818/000M728-US0

34	BT	EP 0298650 A2	02-05-1992	Pfizer, Inc.	entire document	
35	BU	International Search Report for Application No. PCT/HR03/00040	01-20-2004	Pliva DD	entire document	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
		² T			

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{W:\038 18\000}	Date Considered	
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FEB, 9 2004

Application No. (if known): 10/624,911

Attorney Docket No.: 03818/000M728-US0

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34 References and 1 International Search Report
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